

REMARKS

The present application was filed on September 26, 2003 with claims 1 through 23. Claims 1-10 and 18-23 are presently pending in the above-identified patent application. Claim 1 is proposed to be amended herein.

5 This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims, i.e., claims 1-10 and 18-23, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner. In fact, Applicants note that the Examiner has
10 already considered this precise amended limitation in the original Office Action with regard to claim 18. Claim 1 is the apparatus version of the method claim 18.

In the Office Action, the Examiner rejected claims 1, 5-6, 8-10, 11, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by Wang et al. (United States Patent No. 5,721,733), rejected claims 2, 7, 12, 17, 18, and 20-23 under 35 U.S.C. §103(a) as being
15 unpatentable over Wales in view of Currivan et al. (United States Patent Application Publication Number 2003/0026283), and rejected claims 3, 4, 13, 14, and 19 under 35 U.S.C. §103(a) as being unpatentable over Wang in view of Currivan et al. as applied to claims 1, 2, 11, 12 and 18 above, and further in view of Fukuhara (United States Patent Number 6,643,296).

Independent Claims 1, 11 and 18

20 Independent claims 1 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, and claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan.

Independent claim 11 has been cancelled and independent claim 1 has been amended to conform it to the scope of original claim 18.

25 Regarding claim 18, the Examiner acknowledges that Wales does not disclose that the collision detector evaluates an energy level and detects a collision based on the energy level. The Examiner asserts, however, that Currivan et al. discloses a collision detection module that

evaluates a power indication signal (citing par. 0072), and detects a collision *based on the evaluated power indication signal* (citing par. 75 and Table 1).

First, to be precise claim 18 and claim 1, as amended, do not merely require “detect(ing) a collision based on the evaluated power indication signal,” as suggested by the Examiner. Rather, claim 18 and claim 1, as amended, require “detect(ing) a collision of said acknowledgement message *if a measured energy level exceeds a predefined threshold.*”

In par. 0076 of Currivan et al., it is clear that output signal 457 indicates the power of the data portion of a burst transmission. In Table 1, it is clear that output signal 457 does **not** correlate with whether a collision is detected. In fact, a collision can be detected if the output signal 457 is high (second row), medium (fourth row), low (sixth row) or high (seventh row). Thus, a collision is not detected in Currivan et al. “*if a measured energy level exceeds a predefined threshold,*” as required by independent claims 1 and 18, as amended.

Thus, Wales, Currivan, and Fukuhara, alone or in combination, do not disclose or suggest a collision detector that monitors a wireless medium for collisions of said acknowledgement message *if a measured energy level exceeds a predefined threshold*

Dependent Claims 2-10 and 19-23

Dependent claims 5, 6, and 8-10, were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, claims 2, 7, and 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan, claims 3, 4, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan and further in view of Fukuhara

Claims 2-10, and 19-23 are dependent on claims 1 and 18, respectively, and are therefore patentably distinguished over Wales, Currivan, and Fukuhara, alone or in combination, because of their dependency from amended independent claims 1 and 18 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-10 and 18-23, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions

for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated

Respectfully submitted,



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